

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

ROGER BRUCE BUGH

CRIMINAL COMPLAINT

Case Number:

MS-11-49 JJK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 20, 2011, in Ramsey County, in the State and District of Minnesota, the defendant having previously been convicted of crimes punishable by imprisonment for a term exceeding one year, namely:

Offense	Place of Conviction	Date of Conviction (On or About)
Burglary 3rd Degree	Ramsey County, MN Case No. 43951	January 22, 1987
Assault 3rd Degree	Ramsey County, MN Case No. 4133377	September 15, 1987
Burglary 3rd Degree	Ramsey County, MN Case No. 4480331	April 6, 1989
Bank Burglary	U.S. District Court MN, Case No. 4-91-7	June 7, 1991
Theft	Ramsey County, MN Case No. 9002717	June 26, 1991

Offense	Place of Conviction	Date of Conviction (On or About)
Bank Burglary	U.S. District Court, MN Case No. 3:93-cr-40	September 22, 1993
Burglary 3rd Degree	Dakota County, MN Case No. KX-97-2503	April 21, 1998
Conspiracy to Commit Bank Burglary	U.S. District Court, MN Case No. 98-cr-308	August 20, 1999
Burglary 2nd Degree	Stearns County, MN Case No. K-9-05-3698	December 16, 2005
Burglary of Building or Dwelling	Peirce County, MN Case No. 2008CF56	September 12, 2008

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U.S. DISTRICT COURT ST. PAUL

did knowingly possess, in and affecting interstate commerce, a firearm, namely, a Ruger SP101, .357 Magnum caliber chrome revolver, serial number 574-48933.

in violation of Title 18, United States Code, Section(s) 922(g)(1) and 924(e)(1).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

2/2/11

The Honorable Jeffrey J. Keyes
UNITED STATES MAGISTRATE JUDGE

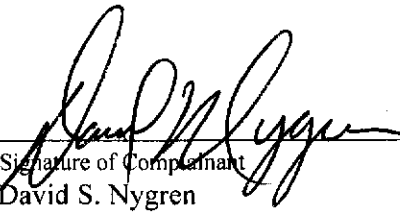
Name & Title of Judicial Officer

at

St. Paul, MN

City and State

Signature of Judicial Officer


Signature of Complainant
David S. Nygren
ATF

STATE OF MINNESOTA)
) ss: AFFIDAVIT OF DAVID S. NYGREN
 COUNTY OF RAMSEY)

Your Affiant in this matter, Special Agent David S. Nygren, ATF, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the ATF, for 20 years. In that capacity I have conducted investigations of subjects for the violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1), that is being a felon in possession of a firearm and qualifying for the mandatory penalty of imprisonment of not less than 15 years as provided in 18 U.S.C. 924 (e) (1).

2. I have researched the prior convictions of ROGER BRUCE BUGH and have determined that he has the below listed felony convictions and this affidavit is submitted to support probable cause for the issuance of a complaint charging ROGER BRUCE BUGH with violations of Title 18 U.S.C. 922(g)(1) and 922(e)(1):

Offense	Place of Conviction	Date of Conviction (On or About)
Burglary 3rd Degree	Ramsey County, MN Case No. 43951	January 22, 1987
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Burglary of Building or Dwelling	Peirce County, MN Case No. 2008CF56	September 12, 2008

3. As part of my investigation I worked with St. Paul Police Officer Mark G. Nelson who has been employed as a Police Officer with the St. Paul Police Department (SPPD) for over eleven years. For the past six years, his primary duties and responsibilities have included conducting criminal investigations of individuals for suspected violations of the Controlled Substances Act. He is also tasked with investigating a variety of other crimes, including firearms violations.
4. This affidavit is also submitted in support of a search warrant for a black Sprint LG Flip phone currently in the possession of the St. Paul Police Department, stored in the SPPD Property room under case number 11-013-131 as Item #5.
5. The facts and information contained in this affidavit are based upon information I received from the St. Paul Police Department, from Officer Mark G. Nelson, my personal knowledge and the investigation and observations of other officers and agents involved in the investigation. All observations referenced below

that were not personally made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

6. Based upon my experience and training, I know that individuals attempting to illegally sell firearms commonly possess and use cellular telephones in connection with their illegal activities. These devices typically store relevant information concerning their criminal activities and criminal associates including addresses and telephone numbers, text messages, the times and dates of incoming and outgoing calls and messages, and electronic files such as memoranda, documents, photographs, videos, E-mails, and calendars.
7. On or about January 2011, Officer Mark G. Nelson, began working with a confidential informant (CI) who provided him with information regarding ROGER BRUCE BUGH (5-23-68.) The CI said BUGH frequently carries a firearm. The CI said BUGH had done extensive prison time for burglarizing Automatic Teller Machines (ATMs). The CI said BUGH's cellular telephone number is 651-373-1098. The CI said he could purchase the firearm from BUGH for \$500.00. Officer Mark G. Nelson checked BUGH's criminal history and verified BUGH had numerous felony convictions, which make him ineligible to possess a firearm.
8. Between the dates of January 12, 2011 thru, and including January 20, 2011, the CI and BUGH had numerous phone conversations which were recorded and monitored by Law Enforcement. During these conversations BUGH spoke to the CI from telephone number 651-373-1098. During several of these conversations the CI arranged to purchase a firearm from BUGH.
9. As a result of this investigation, Law Enforcement conducted a controlled delivery of a firearm involving BUGH. As a result of the controlled delivery, a Ruger SP101 .357 caliber firearm was recovered from BUGH and

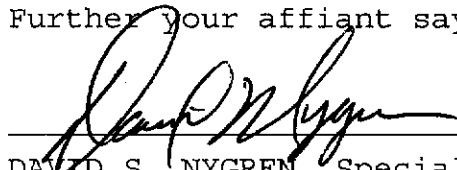
he was arrested. The controlled delivery was conducted in the following manner.

10. Officer Mark G. Nelson met with a CI and he checked the CI for money and weapons with negative results. The CI then placed a series of phone calls to BUGH at 651-373-1098. Officer Nelson recorded and monitored these phone calls. During the phone calls, the CI and BUGH arranged to meet at an apartment complex located at 1338 East 7th Street in the City of St. Paul, Minnesota, in the District of Minnesota. The purpose of the meeting was for the CI to purchase a firearm from BUGH.
11. Following the phone calls, on January 20, 2011, BUGH arrived in the area of 1338 East 7th in a Honda Odyssey van. A short time later BUGH met with the CI inside the Honda. Officer Nelson maintained audio surveillance of this meeting. During this meeting, BUGH provided the CI a Ruger SP101 .357 caliber firearm. When the CI gave the pre-arranged verbal arrest signal, Officer Nelson directed the arrest teams to move in. BUGH was arrested without incident. At the time of BUGH's arrest, he was holding a black Sprint LG flip phone in his right hand. A Ruger SP101 .357 revolver was recovered from inside the Honda. Ruger firearms are manufactured outside the State and District of Minnesota and shipped in and affecting interstate commerce.
12. Officer Nelson interviewed BUGH at the Ramsey County Law Enforcement Center. The interview was recorded and BUGH was advised of his rights. BUGH waived his rights and agreed to speak with Officer Nelson. During the interview, BUGH admitted to possessing the firearm recovered during his arrest, and said he was there to sell it to the CI. BUGH also admitted to Officer Nelson that his telephone number is 651-373-1098.
13. The black Sprint LG flip phone was taken into custody at the time of BUGH's arrest. At the time of BUGH's arrest he had this phone in his possession. On January 20, 2011, the CI spoke to BUGH by cell phone repeatedly in the hours leading up to the actual transaction. At about 7 p.m. on January 20, 2011, the CI spoke to BUGH by cell phone and BUGH stated that he was in the parking lot of the CI's building. The CI then went to the van in which BUGH was located and conducted the

transaction for the firearm. Because of the close proximity of the firearm to the cellular telephone, which were both recovered during the arrest, and because BUGH was holding the phone during the arrest, your affiant believes there is probable cause to believe that the cellular telephone was used by BUGH to conduct the unlawful firearms possession and transaction described above with the CI and that it therefore contains evidence of the violations of law described in this affidavit.

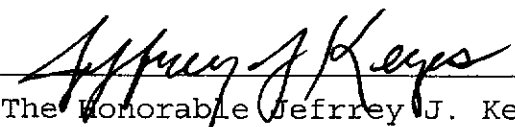
14. Based on the foregoing, there is probable cause to believe the data and information electronically stored within the above-described cellular telephone constitutes evidence of criminal activity. Accordingly, your affiant request authority to allow Law Enforcement personnel to search the cellular telephone for evidence described in Paragraph 6, above.

Further your affiant sayeth not.



DAVID S. NYGREN, Special Agent, ATF

Sworn and subscribed to before me
this 2 day of February, 2011.



The Honorable Jeffrey J. Keyes
UNITED STATES MAGISTRATE JUDGE